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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,791	09/27/2000	Roland L. Fernandez	MFCP.73074	6735

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EXAMINER

SAJOUS, WESNER

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/670,791

Applicant(s)

FERNANDEZ ET AL.

Examiner

Wesner Sajous

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### Remarks

This Office Action is in response to application serial number 09/670,791 filed on 09/27/2000. Claims 1-26 are presented for examination.

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 5, 12, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Considering claim 1, the claim recites the limitation " the provided parameters " in line 7. There is insufficient antecedent basis for this limitation in the claim, because provided parameters have never been defined in the claim. For purpose of examination, the Examiner has considered " the provided parameters " as --provided parameters--. Correction is required.

As per claim 5, the claim recites the limitation " the desired appearance characteristics" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim because the phrase "desired appearance characteristics" has never been called for in the claim. For purpose of examination, the Examiner has considered " the

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desired appearance " as – a desired appearance characteristics--. Correction is required.

In addition, claim 5 recites the limitation "the graphical control library" in line 8. There is insufficient antecedent basis for this limitation in the claim, because a graphical control library has never been called for in the claim. For purpose of examination, the Examiner has considered " the graphical control library " as – the graphical component library --. Correction is required.

Furthermore, claim 5, the claim recites the limitation " the appearance characteristic manager" in line 4. There is insufficient antecedent basis for this limitation in the claim because the limitation "appearance characteristic manager" has never been called for in the claim. For purpose of examination, the Examiner has considered " the appearance characteristic manager" as – the appearance manager--. Correction is required.

Re claim 12, the claim recites the limitation " the desired appearance characteristics" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim because the phrase "desired appearance characteristics" has never been called for in the claim. For purpose of examination, the Examiner has considered " the desired appearance characteristics" as – desired appearance characteristics--. Correction is required.

In addition, claim 12 recites the limitation "the graphical control library" in line 8. There is insufficient antecedent basis for this limitation in the claim, because a graphical control library has never been called for in the claim. For purpose of examination, the

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Examiner has considered " the graphical control library " as – the graphical component library --. Correction is required.

Claim 22 recites the limitation " the appearance characteristics of a graphical component" in lines 3 and 4. There is insufficient antecedent basis for this limitation in the claim because the limitation "appearance characteristics of a graphical component" has never been called for in the claim. For purpose of examination, the Examiner has considered " the appearance characteristics of a graphical component " as – appearance characteristics of a graphical component --. Correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnston, Jr. et al., Pat. No. 6,104,391, hereinafter Johnston.

Considering claim 1, Johnston discloses an analogous system and method for providing a user with increased flexibility and control over the appearance and behavior of object on a user interface (see abstract). In particular, Johnston, at fig. 4, discloses a method of communicating between a graphical component library (38) and an appearance manager (40), comprising: issuing, by the graphical component library (38 *or the client*), a rendering service request (*as met by items 46 and 56 of fig. 4, see col. 5, line 61 to col. 6, line 8*) for a graphical component (*i.e., an object or icon, see col. 4, lines 45-47*), the request including at least one component defining parameter[s] (*i.e., wherein the defined parameter[s] are deciphered herein as the pieces of code from the drawing procedure including object's geometry, see col. 5, lines 36-51, and/or simply values, see col. 9, lines 1-6*); and receiving, by the appearance manager (40), the rendering service request (46/56) for the graphical component and assigning appearance characteristics (*i.e., attributes including object's behavior, shape, patterns, and/or color*) to the graphical component based upon provided parameters (*see col. 5, line 44 through col. 6, line 8*).

Re claim 2, Johnston discloses the claimed "parameters include a part ID and a state ID, and wherein the assigned appearance information is based upon the part ID and the state ID" as met by the functions of device item 46 of fig. 4, *i.e., the drawing procedures or pieces of code involving a resource ID per procedure being called (see col. 7, lines 1-40)*, wherein the part ID corresponds to the interface geometry elements data, including list of operational codes (*see col. 7, line 60 to col. 8, line 25*), and the state ID corresponds to the *interface behavior elements data (see col. 8, line 66 to col.*

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10, line 40). The Applicants should duly note that each one of the above procedures corresponds to a piece of code or ID as defined by device 46.

As per claim 3, Johnston, at figs. 4 and 12, discloses: issuing, by the graphical component library (item 38 or client), a request for a theme handle (*the theme handle is defined as the capability of switching between themes and is characterized by the functions of items 46 and 50 in association with theme definitions (item 70) and theme resources (item 72 of fig. 12), and it is treated herein as theme[s], (see col. 23, lines 43-59)))* corresponding to a set of appearance characteristics (i.e., *interface geometry elements data and interface behavior elements data (see col. 7, lines 1-61)*); receiving, by the appearance manager (item 40), the theme handle request (i.e., *a theme change, as devices 46/50 via device 38*); identifying, by the appearance manager (40) a theme handle; issuing, by the appearance manager (40), the requested theme handle (46, 50, 70 and 72); and receiving, by the graphical component library (client), the requested theme handle (46/50). See col. 12, lines 7-24.

Re claim 4, Johnston discloses the claimed "theme handle is issued to the appearance manager as one of the parameters in the rendering service request" is met by col. 12, lines 7-21.

Regarding claim 5, Johnston, at figs. 4, and 12, discloses the equivalence for: Issuing, by the appearance manager (40, fig. 4) to the graphical component library (38 or client), a message that a desired appearance characteristics have changed (*as characterized by the depiction at col. 23, lines 43-59, wherein the appearance characteristics are defined by theme properties, 72 of fig. 12*); issuing, by the graphical

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component library (38 or client) to the appearance manager (40), a request for a new theme handle corresponding to a new set of appearance characteristics (*see col. 23, line 60 col. 24, line 52, particularly col. 24, lines 35-52, and col. 25, lines 27-39, wherein the theme handle is treated herein as a reference to a theme file records or properties or any of the characteristics defined by devices 70 and 72, in association with theme switch 50 and drawing procedures 46*); identifying, by the appearance manager (40), a new theme handle identifier (*see col. 24, lines 53-55*); and issuing, by the appearance manager (40) to the graphical component library (38 or client) the requested new theme handle (*see col. 25, lines 27-39*).

Re claim 6, Johnston discloses the claimed "requested graphical component is a control" is met by col. 4, lines 44-47 and/or col.5, lines 58-59.

Re claim 7, Johnston discloses the claimed "one of the parameters of the graphical component rendering service request is a location for the control" is characterized by col. 4, lines 48-55.

Claim 8 is for a computer readable medium having computer executable instructions for performing the steps recited in claim 1. It is therefore, rejected under the same -rationale set forth above for claim 1.

Claim 9 is for the computer system operable to perform the steps recited in claim 1. Claim 9 is, therefore, rejected under the same rationale set forth above for claim 1. In addition, Johnston discloses a computer system (*see col. 1, lines 24-27*) having a processor (i.e., appearance manager 40, fig. 4) a memory (i.e., pattern look-up tables 48, *see col. 15, lines 30-32*), and an operating environment (i.e. application 38, fig. 4 or



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the operating systems, col. 1, lines 25-27). The Applicants should duly note that every computer system has a processor, a memory and an operating system environment.

Regarding claim 10, Johnston, at figs. 4 and 12, discloses: issuing, by the graphical component library (38 or a client), a request for a theme handle (*i.e., the functions of devices 46/50, 70 & 72, wherein the theme handle corresponds to a reference to a theme file records or properties or any of the characteristics defined by devices 70 and 72, in association with theme switch 50 and drawing procedures 46, col. 23, lines 43-59*) corresponding to a set of appearance characteristics (*wherein the appearance characteristics are defined herein as the theme data resources and/or theme properties or preferences, see fig. 12, item 72; they can also defined as the interface geometry elements data and interface behavior elements data, see col. 7, lines 1-61*); receiving, by the appearance manager (40), the theme handle request (46, 50, 70 & 72); identifying, by the appearance manager (40) a theme handle (*see col. 24, lines 53-55*); issuing, by the appearance manager (40), the requested theme handle (46, *see col., 6, lines 34-36*); and receiving, by the graphical component library (*device 38 or the client*), the requested theme handle (46, 50, 70 & 72).

Re claim 11, Johnston, at figs. 4 and 12, discloses issuing, by the graphical component library (38), a rendering service request (46/56) for a graphical component (*i.e., an object or icon, see col. 4, lines 45-47*), the request including at least one component defining parameter (*i.e., pieces of code or drawing procedure, see col. 5, lines 36-43*); and wherein the theme handle (46/50, 70 & 72) is issued by the graphical

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component library (38 or client) as a component defining parameter (see *col. 23, lines 43-59*).

Regarding claim 12, Johnston discloses the equivalence for:

Issuing, by the appearance manager (40, fig. 4) to the graphical component library (38, fig. 4), a message that a desired appearance characteristics have changed (*as characterized by the depiction at col. 23, lines 43-59, wherein the appearance characteristics are defined by theme properties*); issuing, by the graphical component library (38 or client) to the appearance manager (40), a request for a new theme handle corresponding to a new set of appearance characteristics (*see col. 23, line 60 col. 24, line 52, particularly col. 24, lines 35-52, and col. 25, lines 27-39, wherein the theme handle is treated herein as a reference to a theme file records or properties*); identifying, by the appearance manager (40), a new theme handle identifier (*see col. 24, lines 53-55*); and issuing, by the appearance manager (40) to the graphical component library (38 or client) the requested new theme handle (*see col. 25, lines 27-39*).

Claim 13 is for a computer readable medium having computer executable instructions for performing the steps recited in claim 10. It is therefore, rejected under the same rationale set forth above for claim 10.

Claim 14 is for the computer system operable to perform the steps recited in claim 10. Claim 14 is, therefore, rejected under the same rationale set forth above for claim 10. In addition, Johnston discloses a computer system (*see col. 1, lines 24-27*) having a processor (i.e., appearance manager 40, fig. 4) a memory (i.e., pattern look-up

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tables 48, see col. 15, lines 30-32), and an operating environment (i.e. application 38, fig. 4 or the operating systems, col. 1, lines 25-27).

Considering claim 15, Johnston, at fig. 4, discloses a method of rendering a graphical component on the display of a computer system comprises: issuing, by the graphical component library (38 or client), a rendering service request (46) for a graphical component (*i.e., an object or icon, see col. 4, lines 45-47*), receiving, by the appearance manager (40), the rendering service request (46/56) for the graphical component and assigning appearance characteristics (*i.e., i.e., attributes including object's behavior, shape, patterns, and/or color*) to the graphical component; and rendering, by the appearance manager (40), the request graphical component on the display of the computer system (see fig. 8) according to the appearance characteristics (*i.e., pieces of code or drawing procedure, see col. 5, lines 36-43*) assigned by the appearance manager (40).

Re claim 16, Johnston, at fig. 4, discloses the rendering service request (46/56) includes at least one component defining parameter (*i.e., pieces of code or drawing procedure for the drawing the object, see col. 5, lines 36-43*).

Re claim 17, Johnston discloses the claimed "parameters include a part ID and a state ID" are equivalently met by the functions of device 46 of fig. 4, i.e., drawing procedures or pieces of code, involving a resource ID per procedure being called (see col. 7, lines 1-40), wherein the part ID corresponds to *the interface geometry elements data* (see col. 7, line 60 to col. 8, line 65), and the state ID corresponds to the *interface behavior elements data* (see col. 8, line 66 to col. 10, line 40).

Re claim 18, the claimed "the parameters includes a location for the graphical component" is characterized by depiction at col. 4, lines 48-55.

As per claim 19, Johnston discloses the parameter includes a theme handle (*wherein the theme handle is defined as the capability of switching between themes and is characterized by the functions of devices 46 and 50 in association with theme definitions 70 theme resources 72 of fig. 12, and it is treated herein as theme[s], see col. 23, lines 43-59*) corresponding to a set of appearance characteristics (i.e., *interface geometry elements data and interface behavior elements data (see col. 7, lines 1-61)*).

Claim 20 is for a computer readable medium having computer executable instructions for performing the steps recited in claim 15. It is therefore, rejected under the same rationale set forth above for claim 15.

Claim 21 is for the computer system operable to perform the steps recited in claim 15. Claim 21 is, therefore, rejected under the same rationale set forth above for claim 15. In addition, Johnston discloses a computer system (see col. 1, lines 24-27) having a processor (i.e., appearance manager 40, fig. 4) a memory (i.e., pattern look-up tables 48, see col. 15, lines 30-32), and an operating environment (i.e. application 38, fig. 4 or the operating systems, col. 1, lines 25-27).

Considering claim 22, Johnston, at fig. 4, discloses a method of communicating between a graphical component library (38 or a client) and an appearance manager (40), comprising: issuing, by the graphical component library (38 or client), an information request (i.e., drawing procedures 46) regarding appearance characteristics (*i.e., object's behavior, patterns and/or color*) of graphical component (*i.e., an object or*

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*icon, see col. 4, lines 45-47*); receiving, by the appearance manager (40), the information request (46); and issuing, by the appearance manager (40) to the graphical component library (38 or client) the requested information (46).

Re claim 23, Johnston, at figs. 4, and 12, discloses the information request (46/50, 70 & 72) is for a graphical component (i.e., an interface object) including a part ID (i.e., *the interface geometry elements data, including list of operational codes, see col. 7, line 60 to col. 8, line 25 or the theme data resources of device 72 of fig. 12*), a state (i.e., *interface behavior elements data, see col. 8, line 66 to col. 10, line 40, or the theme preferences, fig. 4*) and a property ID (as the theme property list 72 of fig. 12). Note that each of the resources of device 72 corresponds with a code or identification. See cols. 23-24, lines 60-11.

Re claim 24, Johnston discloses the claimed "request information is used to alter the graphical component" is equivalently met by col. 10, lines 4-12.

Re claim 25, Johnston discloses the claimed "request information is about a defined set of appearance characteristics for a number of graphical components" is inherently met by the disclosure at col. 23, lines 1-49, wherein the queried and defined theme properties can be defined as set of appearance characteristics as determined by the user, since the theme properties correspond to the appearance characteristics of the objects.

Claim 26 is for a computer readable medium having computer executable instructions for performing the steps recited in claim 22. It is therefore, rejected under the same rationale set forth above for claim 22.

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**Conclusion**

5. The prior art made of record, considered pertinent to applicant's disclosure, and are not relied upon herein, are as recited in the attached PTO-892 form.

**Any response to this action should be mailed to:**

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesner Sajous whose telephone number is (703) 308-5857. The examiner can be reached on Mondays thru Thursdays and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Supervisor, Matthew Bella, can be reached at (703) 308-6829. The fax phone number for this group is (703) 308-6606.

**Wesner Sajous -WS-**

  
1/23/03